

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES MINK,

Plaintiff,

v.

CIVIL ACTION NO. 5:17-cv-02212

WAL-MART STORES EAST, LP, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 3, 2017, the Plaintiff, proceeding *pro se*, filed a Complaint in the Circuit Court of Wyoming County, West Virginia. The matter was removed to the United States District Court on April 4, 2017. Pending in the matter are *Wal-Mart Stores East, LP's Motion to Dismiss* (Document 4) and *MacCorkle Lavender PLLC's Motion to Dismiss* (Document 6).

By *Standing Order* (Document 2) entered on April 4, 2017, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On May 17, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 16) wherein it is recommended that this Court grant the Defendants' respective motions to dismiss with prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 5, 2017.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that *Wal-Mart Stores East, LP's Motion to Dismiss* (Document 4) be **GRANTED**, that *MacCorkle Lavender PLLC's Motion to Dismiss* (Document 6) be **GRANTED**, and that this matter be **DISMISSED with prejudice** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: June 8, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA